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# **The Wassenaar Arrangement**

**By**

**Lynn E. Davis  
Under Secretary of State for Arms Control  
and International Security Affairs**

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## **INTRODUCTION**

In December 1995, twenty-eight governments agreed to establish a new international regime to increase transparency and responsibility for the global market in conventional arms and dual-use goods and technologies. The official name of the regime is "The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies"—Wassenaar being the town outside The Hague where five rounds of negotiations took place over the past two years.

The Wassenaar Arrangement is just an initial international framework that will need to be elaborated and defined more fully. But it already represents some notable achievements for U.S. foreign policy. For the first time there is a global mechanism for controlling transfers of conventional armaments, and a venue in which governments can consider collectively the implications of various transfers on their international and regional security interests. In view of the close association between advanced technologies, including production technologies, and modern battlefield weapons, sensitive dual-use commodities will receive the same measure of scrutiny as do arms.

Moreover, the preliminary scope of international support for this enterprise is already quite broad. Our friends and allies in Europe and in the Pacific comprise the core membership, but Russia and the four Visegrad states of Central Europe have also joined as full members.

The composition and the goals of The Wassenaar Arrangement are tailored to respond to the new security threats of the post-Cold War world, and will close a critical gap in the international control mechanisms, which have concentrated on preventing the proliferation of weapons of mass destruction and their delivery systems. While The Wassenaar Arrangement will not duplicate the other non-proliferation mechanisms, it will through a variety of means complement and, where necessary, reinforce them.

## **RESTRAINT IN TRADE TO PARIAS**

Even before its establishment, the regime has served to attract countries worldwide wishing to join the first post-Cold War security framework.

To meet the membership criteria, they have taken steps to adhere to the policies of the other non-proliferation regimes and to establish effective export controls. Most importantly, all of the participating countries currently maintain national policies to prevent transfers of arms and sensitive technologies for military purposes to the four pariah countries—Iran, Iraq, Libya, and North Korea. This is a critical requirement that the United States insisted on—and will continue to insist on in examining the credentials of new members.

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The United States has sought and obtained commitments through sensitive, high-level negotiations that produced bilateral agreements with Russia and other prospective members to close down their arms sales to Iran and forego any new contracts involving arms and arms-related technologies. By requiring responsible arms transfer policies as a condition for membership, the new regime furthers our international security interests and the security of long-standing allies, such as Israel and South Korea who live in dangerous neighborhoods.

Further, The Wassenaar Arrangement calls for enhancing cooperation among the participants to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behavior of a state is or becomes a cause for serious concern to the participating states. The transparency provisions in the new arrangement and our own national technical means will give us confidence that current policies of restraint toward the pariah countries are continuing and that future transfer policies remain consistent with this goal.

Does this mean that we have bridged our differences with Europe over high technology sales to Iran? Unfortunately, we continue to have serious concerns with European policy in this area. What we have obtained to date is a growing recognition that certain levels of high technology trade, even when intended for civilian use, should not be carried on in secrecy.

When it comes to dangerous regimes like Iran, international transparency—and accountability—are necessary. The Wassenaar Arrangement will help advance that proposition through the initial information sharing measures. But, those measures need to go much further before we can say there are effective international guidelines in place that will prevent future tyrants from embarking upon the kind of military build-up that Saddam Hussein undertook before invading Kuwait.

## **PREVENTING DESTABILIZING ACCUMULATIONS OF ARMS**

Indeed, the Gulf War has been a critical factor shaping the U.S. negotiating positions, because it serves as a stark reminder of the dangers to international peace and security that can result from the destabilizing accumulations of conventional weapons and the indiscriminate export of arms and sensitive dual-use technologies. The case of Iraq showed us that often the only constraint on a state's ability to obtain dangerous arms is its ability to pay for them. Suppliers from both East and West, including our allies and American firms, contributed in different ways to Saddam Hussein's multi-billion dollar military build-up.

## **HOW WILL THIS ARRANGEMENT BEGIN TO HELP US PREVENT FUTURE IRAQS?**

During plenary discussions and working group meetings, governments will share intelligence on potential threats to international and regional peace and stability. They will look particularly at clandestine projects and dubious acquisition trends. They will also exchange specific information on a regular basis about global transfers to nonparticipating countries of certain sensitive dual-use goods and technologies. More than one hundred of these have been selected for this information sharing, including machine tools, computers, and telecom-munications. The details of this special sensitive list will be published shortly.

Governments have agreed to notify denials of items on this list to nonparticipating states promptly on an individual, case-by-case basis and of transfers on an aggregate and periodic basis. They will also require notification of any transfers of any sensitive list item previously denied by another member state for an essentially identical transaction.

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This transparency in the transfer of sensitive dual-use goods and technologies will help the new regime identify acquisition patterns that suggest emerging threats to regional and international peace. Transparency also allows countries to alert one another to export requests that warranted denials. This will help foster common and consistent export policies, while eliminating inadvertent undercuts by participants. Although all export decisions will remain fundamentally at the discretion of each country, transparency will enhance responsibility in arms transfers because countries will only go forward with those transfers that they are prepared to defend to the others in the arrangement.

We will obtain similar benefits from the transparency regime on the arms side. We will provide information on arms transfers on a weapons list that initially will be composed of the categories of major weapons systems used for the CFE Treaty and the UN Arms Register. The information will come twice a year and include more details than previously available, such as descriptions of the model and type of all weapons, except for missiles. And we have agreed as a priority to expand and redefine that list to cover more comprehensively the weapons of modern warfare.

In the cases of both armaments and dual-use items, governments will have the ability to request additional information on individual transfers through diplomatic channels.

In addition, The Wassenaar Arrangement is expected to provide for more intensive consultations and more intrusive information sharing among six major weapons suppliers: the U.S., United Kingdom, Russia, France, Germany, and Italy.

From the United States perspective, we hope that this group will provide the means of defining common approaches to trade with regions of potential instability, such as the Middle East and South Asia. It could also include steps to enhance stability by preventing the introduction of sophisticated weaponry in certain parts of the world, where it currently does not exist. We have made some specific proposals to the other five suppliers concerning timely notification of shipments of major weapons and the development of measures to address situations of particular concern.

## **NATIONAL CONTROLS**

As is the case for the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime, The Wassenaar Arrangement is based on national controls. It is not directed against any state or group of states and will not impede bona fide transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves. Rather it is focused on the behavior of states, and especially on dangerous behavior.

Participants have agreed to control globally all items set forth on a basic list of dual-use goods and technologies and on a munitions list, with the objective of preventing unauthorized transfers or re-transfers of these items. The new arrangement will thus not involve license-free trade among the participants. Governments have also agreed to exercise extreme vigilance in trade on a very sensitive list of dual-use goods and technologies.

Controls of items on the various lists will be implemented through each of the participating country's laws and regulations. In the U.S., most of the items covered under this arrangement are already subject to U.S. licensing requirements. Any modifications to U.S. regulations necessary to carry out the requirements of the arrangement will be published in the coming months.

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## NEXT STEPS

The first plenary meeting of The Wassenaar Arrangement is slated for early April in Vienna. Vienna will be the home base for the regime and the site of a small secretariat to conduct day-to-day work. Member governments will use the intervening months to make preparations at the national level necessary to carry out the understandings they have reached and to work out the modalities for sharing information on specific transfers.

The Wassenaar Arrangement will be open, on a global and nondiscriminatory basis to all countries meeting the agreed membership criteria. There is a line forming of countries seeking membership, e.g., Argentina, South Korea, Romania, Bulgaria, Ukraine. We hope that some of these countries will have met the criteria by the time of our April plenary.

## PERSPECTIVE ON THE ARRANGEMENT

Although the COCOM parties were responsible for initiating development of The Wassenaar Arrangement, the successor regime differs significantly in its goals and procedures, given the changed strategic environment. COCOM was designed as an institution of the Cold War to respond to the threat posed by the Soviet Union and its allies. The West sought to maintain its qualitative edge on the battlefield by a virtual prohibition on sales of arms to "communist countries" and by controlling the export of strategic products and technical data.

As the original threats of the Cold War diminished, new threats to global security began to emerge, including the spread of weapons of mass destruction and their delivery systems. This led the U.S. and other countries to develop worldwide non-proliferation regimes, such as the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Australia Group. The Wassenaar Arrangement extends and complements this development. And it begins, as did these other regimes, with the initial elements essential to getting underway the practical work-frameworks, basic guidelines, and lists.

Although we are pleased that the regime will be up and running at the April plenary, I want to note quite frankly that the arrangement falls short of U.S. goals in some important areas. We need to go further.

Americans hold as a fundamental principle the importance of promoting international responsibility in arms transfers and in public accountability for these transfers. Not all participants in this arrangement share this view and some have consistently resisted comprehensive information sharing—even in diplomatic channels. Specifically, the United States found itself alone in supporting prior notification of transfers.

The United States also did not win support for focusing the information sharing on regions of instability and where the security risks are greatest, because participants raised political objections to "targeting" specific regions or countries. Instead, we will begin with a global exchange. As a result, we will share and obtain not only all of the information that we would have available through a regional focus, but additional information as well.

That said, The Wassenaar Arrangement provides an initial international framework to respond to the critical security threats of the post-Cold War world and to promote the overall non-proliferation and conventional arms transfer policies of the Clinton Administration. The realization of a broadly based multilateral arrangement covering conventional arms and dual-use commodities has only been possible through strong American leadership, leadership which must continue to ensure the further development of more specific measures in the new regime to meet the risks to international peace and stability around the world.